

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Albert Ray Steward, III,

Plaintiff,

v.

Civil No. 07-1303 (JNE/SRN)
ORDER

Washington County, Minnesota,
and Minnesota Department of
Corrections.

Defendants.

In a Report and Recommendation dated March 14, 2007, the Honorable Susan Richard Nelson, United States Magistrate Judge, recommended that plaintiff's Application to Proceed Without Payment of Fees be denied and that this action be dismissed for lack of subject matter jurisdiction. Plaintiff did not object to the Report and Recommendation, but has filed a separate Motion to Withdraw Complaint. The Court has conducted a de novo review of the record. *See* D. Minn. LR 72.2(b). Based on that review, the Court adopts the Report and Recommendation. The Court also denies as moot plaintiff's motion requesting permission to withdraw the complaint. Therefore, IT IS ORDERED THAT:

1. Plaintiff's Application to Proceed Without Payment of Fees [Docket No. 2] is DENIED.
2. This action is DISMISSED FOR LACK OF JURISDICTION.
3. Plaintiff's Motion to Withdraw Complaint [Docket No. 4] is DENIED AS MOOT.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: April 9, 2007

s/ Joan N. Erickson
JOAN N. ERICKSEN
United States District Judge